



hearing. The parties further agreed they did not participate in the alleged hearing on the motion.

It is distressing that an ALJ would enter an order allowing an attorney to withdraw 10 days before a pending scheduled hearing and that the order would be signed absent notice and a hearing to determine whether the client's interests would be protected, especially with no new attorney entering an appearance for that party and with additional proceedings so imminent.

As noted, Mr. Chaney requested a continuance to obtain representation. Mr. Phalen and Mr. Bideau agreed that a continuance was appropriate. Consequently, the Board will afford Mr. Chaney a reasonable time to obtain counsel. The hearing on the parties request for review of the January 23, 2009 Award by ALJ Klein will be rescheduled for 11 a.m., July 8, 2009.

### **AWARD**

**WHEREFORE**, it is the decision of the Board that respondent's request for a continuance is granted and the parties request for review of the Award of Administrative Law Judge Thomas Klein dated January 23, 2009, is continued to 11 a.m. July 8, 2009.

### **IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of May 2009.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: William L. Phalen, Attorney for Claimant  
Jeff Chaney, Respondent, PO Box 7, Welch, OK 74369  
David J. Bideau, Attorney for Fund  
Ronald J. Laskowski, Attorney  
Thomas Klein, Administrative Law Judge